

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**John E. Wright
Denise M. Wright
Debtor(s)**

Bankruptcy Case No.: 15-22496-CMB
Issued Per Feb. 28, 2019 Proceeding
Chapter: 13
Docket No.: 198 – 193, 194
Concil. Conf.: May 23, 2019 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 21, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on May 23, 2019 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PA Department of Revenue at Claim No. 1; I.R.S. at Claim No. 7 .
- H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

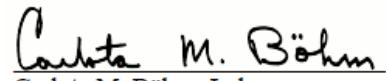
C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: March 4, 2019


Carlota M. Böhm, Judge
United States Bankruptcy Court

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
 John E. Wright
 Denise M. Wright
 Debtors

Case No. 15-22496-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 27

Date Rcvd: Mar 04, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 06, 2019.

db/jdb +John E. Wright, 101 Kimber Drive, McMurray, PA 15317-5313
 cr +Toyota Motor Credit Corporation, As Servicer for Toyota Lease Trust,
 C/O Schiller & Knapp, LLP, 950 New Loudon Road, Suite 109, Latham, NY 12110-2190
 14109508 ++COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157
 (address filed with court: Columbia Gas of PA, Inc., P.O. Box 117, Columbus, OH 43216)
 14111046 +County of Allegheny, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor,
 Pittsburgh, PA 15219-6101
 14075361 +Daniel C. Fanaselle, Esq., Powers, Kirn & Associates, LLC,
 Eight Neshaminy Interplex, Suite 215, Feasterville Trevose, PA 19053-6980
 14263199 +Estates of Hidden Valley, c/o Lisa M. Burkhart, Esquire, BRANDT, MILNES & REA, P.C.,
 310 Grant Street, Suite 1109, Pittsburgh, PA 15219-2227
 14075363 +First National Bank, 4140 E. State Street, Hermitage, PA 16148-3401
 14075366 +Jordan Tax Service, Inc., 102 Rahway Road, Canonsburg, PA 15317-3349
 14075367 +Kirkland Financial, LLC, 3000 Business Park Circle, Suite 500,
 Goodlettsville, TN 37072-3186
 14141360 Kirkland Financial, LLC, 3000 Business Park Circle, Suite 500,
 Union City, Tennessee 38261
 14075368 +Linebarger Goggan Blair & Samp, P.O. Box 90128, Harrisburg, PA 17109-0128
 14075369 Mom Loan, 111 Bruce Run Road, Canonsburg, PA 15317
 14075370 +Northland Group Levin Furniture, P.O. Box 390846, Minneapolis, MN 55439-0846
 14111043 +Peters Township, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor,
 Pittsburgh, PA 15219-6101
 14111044 +Peters Township/Peters Township SD, c/o Goehring Rutter & Boehm,
 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
 14075372 +Strategic Recovery, P.O. Box 52238, Idaho Falls, ID 83405-2238
 14075373 +Summit Physical Therapy, 414 Penco Rd., Wierton, WV 26062-3822
 14099683 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,
 Addison, TX 75001-9013

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14075360 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Mar 05 2019 02:46:27 Asset Acceptance LLC/Levin,
 P.O. Box 2036, Warren, MI 48090-2036
 14075364 +E-mail/Text: cio.bncmail@irs.gov Mar 05 2019 02:46:08 Internal Revenue Service,
 Centralized Insolvency Operation, 2970 Market St., Philadelphia, PA 19104-5002
 14118749 E-mail/PDF: resurgentbknotifications@resurgent.com Mar 05 2019 02:54:43 LVNV Funding, LLC,
 c/o Resurgent Capital Services, P O Box 10675, Greenville, SC 29603-0675
 14082524 E-mail/PDF: resurgentbknotifications@resurgent.com Mar 05 2019 02:54:28
 LVNV Funding, LLC its successors and assigns as, assignee of Chase Bank USA, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14082523 E-mail/PDF: resurgentbknotifications@resurgent.com Mar 05 2019 02:54:59
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank (South Dakota),,
 N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14082525 E-mail/PDF: resurgentbknotifications@resurgent.com Mar 05 2019 02:54:43
 LVNV Funding, LLC its successors and assigns as, assignee of Arrow Financial Services,,
 LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14100939 +E-mail/Text: csc.bankruptcy@amwater.com Mar 05 2019 02:47:03 Pa. American Water,
 PO Box 578, Alton, IL 62002-0578
 14082362 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Mar 05 2019 02:46:24
 Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946,
 Harrisburg, PA 17128-0946
 14121579 +E-mail/Text: bankruptcy@firstenergycorp.com Mar 05 2019 02:46:37 West Penn Power,
 1310 Fairmont Ave, Fairmont, WV 26554-3526

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Estates of Hidden Valley
 cr Kirkland Financial, LLC
 cr Peters Township
 cr Peters Township School District
 cr Toyota Lease Trust
 14075362 Family Practice
 14075365 John Kovtsogiani
 14075371 Peters Township

TOTALS: 8, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 27

Date Rcvd: Mar 04, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 06, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 4, 2019 at the address(es) listed below:

David Z. Valencik on behalf of Joint Debtor Denise M. Wright dvalencik@c-vlaw.com,
cvlaw.ecf.dvalencik@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-vlaw.com;mpeduto@c-vlaw.com
David Z. Valencik on behalf of Debtor John E. Wright dvalencik@c-vlaw.com,
cvlaw.ecf.dvalencik@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-vlaw.com;mpeduto@c-vlaw.com
Donald R. Calaiaro on behalf of Joint Debtor Denise M. Wright dcalaiaro@c-vlaw.com,
cvlaw.ecf.dcalaiaro@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-vlaw.com;mpeduto@c-vlaw.com
Donald R. Calaiaro on behalf of Debtor John E. Wright dcalaiaro@c-vlaw.com,
cvlaw.ecf.dcalaiaro@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-vlaw.com;mpeduto@c-vlaw.com
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmllawgroup.com
James Warmbrodt on behalf of Creditor Toyota Lease Trust bkgroup@kmllawgroup.com
Jeffrey R. Hunt on behalf of Creditor Peters Township jhunt@grblaw.com, cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor Peters Township School District jhunt@grblaw.com,
cnoroski@grblaw.com
Jill Manuel-Coughlin on behalf of Creditor Kirkland Financial, LLC jill@pkallc.com,
chris.amann@pkallc.com;nick.bracey@pkallc.com;samantha.gonzalez@pkallc.com;harry.reese@pkallc.com
;mary.raynor-paul@pkallc.com;amanda.rauer@pkallc.com
Kevin Scott Frankel on behalf of Creditor Kirkland Financial, LLC pabk@logs.com
LeeAne O. Huggins on behalf of Creditor Kirkland Financial, LLC pabk@logs.com
Lisa M. Burkhart on behalf of Creditor Estates of Hidden Valley lburkhart@bmr-law.com,
fjug@bmr-law.com
Martin A. Mooney on behalf of Creditor Toyota Motor Credit Corporation
ahight@schillerknapp.com,
kcollins@schillerknapp.com;tshariff@schillerknapp.com;cmack@schillerknapp.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Toyota Motor Credit Corporation
pashcroft@berNSTEINLAW.COM, ckutch@ecf.courtdrive.com;acarr@berNSTEINLAW.COM
Ronda J. Winnecoeur cmecf@chapter13trusteeWDPA.com

TOTAL: 16